

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**U.S. NAVY SEALs 1-3**; on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

**LLOYD J. AUSTIN, III**, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

**APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

<b>Ex.</b>	<b>Description</b>	<b>Bates Number(s)</b>
1	Declaration of U.S. Navy SEAL 1	001-003
2	Declaration of U.S. Navy SEAL 2	004-006
3	Declaration of U.S. Navy SEAL 3	007-009
4	Declaration of U.S. Navy Explosive Ordnance Disposal Technician 1	010-012

Respectfully submitted this 1st day of March, 2022.

KELLY J. SHACKELFORD  
Texas Bar No. 18070950  
JEFFREY C. MATEER  
Texas Bar No. 13185320  
HIRAM S. SASSER, III  
Texas Bar No. 24039157  
DAVID J. HACKER  
Texas Bar No. 24103323  
MICHAEL D. BERRY  
Texas Bar No. 24085835  
JUSTIN BUTTERFIELD  
Texas Bar No. 24062642  
Danielle A. Runyan \*  
New Jersey Bar No. 027232004  
Holly M. Randall \*  
Oklahoma Bar No. 34763  
FIRST LIBERTY INSTITUTE  
2001 W. Plano Pkwy., Ste. 1600  
Plano, Texas 75075  
Tel: (972) 941-4444  
jmateer@firstliberty.org  
hsasser@firstliberty.org  
dhacker@firstliberty.org  
mberry@firstliberty.org  
jbutterfield@firstliberty.org  
drunyan@firstliberty.org  
hrandall@firstliberty.org

JORDAN E. PRATT  
Florida Bar No. 100958\* \*\*  
FIRST LIBERTY INSTITUTE  
227 Pennsylvania Ave., SE  
Washington, DC 20003  
Tel: (972) 941-4444  
jpratt@firstliberty.org

\*Admitted pro hac vice.

\*\* Not yet admitted to the D.C. Bar, but  
admitted to practice law in Florida. Practicing  
law in D.C. pursuant to D.C. Court of  
Appeals Rule 49(c)(8) under the supervision  
of an attorney admitted to the D.C. Bar.

/s/ Heather Gebelin Hacker  
HEATHER GEBELIN HACKER  
Texas Bar No. 24103325  
ANDREW B. STEPHENS  
Texas Bar No. 24079396  
HACKER STEPHENS LLP  
108 Wild Basin Road South, Suite 250  
Austin, Texas 78746  
Tel.: (512) 399-3022  
heather@hackerstephens.com  
andrew@hackerstephens.com

*Attorneys for Plaintiffs*

# Exhibit 1

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**U.S. NAVY SEALs 1-3**; on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

**LLOYD J. AUSTIN, III**, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

**DECLARATION OF U.S. NAVY SEAL 1**

Pursuant to 28 U.S.C. § 1746, I, U.S. Navy SEAL 1, under penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I currently serve as a U.S. Navy SEAL.
3. I am currently a Plaintiff in the above-captioned lawsuit.
4. I am able and willing to serve as the class representative for a class of all members of the United States Navy who are subject to the Navy's COVID-19 Vaccine Mandate and who have

submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Navy Class").

5. I am able and willing to serve as the class representative for a subclass of all members of the Navy Class who are now or will be assigned to Naval Special Warfare or Naval Special Operations, who are subject to the Navy's COVID-19 Vaccine Mandate, and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Naval Special War/Operations Subclass").

6. I am able and willing to serve as the class representative for a subclass of all members of the Navy Class who are now or will be United States Navy SEALs, who are subject to the Navy's COVID-19 Vaccine Mandate, and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Navy SEALs Subclass").

7. I will vigorously prosecute the case on behalf of the class. I am willing and able to take an active role in and control the litigation and protect the interests of the absentee class members. I will remain informed about the litigation and am willing and able to participate in it as necessary in order to ensure the absentee class members' interests are protected.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on March 1, 2022.

/s/ U.S. Navy SEAL 1  
U.S. Navy SEAL 1

# Exhibit 2

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**U.S. NAVY SEALs 1-3**; on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

**LLOYD J. AUSTIN, III**, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

**DECLARATION OF U.S. NAVY SEAL 2**

Pursuant to 28 U.S.C. § 1746, I, U.S. Navy SEAL 2, under penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I currently serve as a U.S. Navy SEAL.
3. I am currently a Plaintiff in the above-captioned lawsuit.
4. I am able and willing to serve as the class representative for a class of all members of the United States Navy who are subject to the Navy's COVID-19 Vaccine Mandate and who have

submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Navy Class").

5. I am able and willing to serve as the class representative for a subclass of all members of the Navy Class who are now or will be assigned to Naval Special Warfare or Naval Special Operations, who are subject to the Navy's COVID-19 Vaccine Mandate, and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Naval Special War/Operations Subclass").

6. I am able and willing to serve as the class representative for a subclass of all members of the Navy Class who are now or will be United States Navy SEALs, who are subject to the Navy's COVID-19 Vaccine Mandate, and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Navy SEALs Subclass").

7. I will vigorously prosecute the case on behalf of the class. I am willing and able to take an active role in and control the litigation and protect the interests of the absentee class members. I will remain informed about the litigation and am willing and able to participate in it as necessary in order to ensure the absentee class members' interests are protected.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on March 1, 2022.

/s/ U.S. Navy SEAL 2  
U.S. Navy SEAL 2



# Exhibit 3

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**U.S. NAVY SEALs 1-3**; on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

**LLOYD J. AUSTIN, III**, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

**DECLARATION OF U.S. NAVY SEAL 3**

Pursuant to 28 U.S.C. § 1746, I, U.S. Navy SEAL 3, under penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I currently serve as a U.S. Navy SEAL.
3. I am currently a Plaintiff in the above-captioned lawsuit.
4. I am able and willing to serve as the class representative for a class of all members of the United States Navy who are subject to the Navy's COVID-19 Vaccine Mandate and who have

submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Navy Class").

5. I am able and willing to serve as the class representative for a subclass of all members of the Navy Class who are now or will be assigned to Naval Special Warfare or Naval Special Operations, who are subject to the Navy's COVID-19 Vaccine Mandate, and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Naval Special War/Operations Subclass").

6. I am able and willing to serve as the class representative for a subclass of all members of the Navy Class who are now or will be United States Navy SEALs, who are subject to the Navy's COVID-19 Vaccine Mandate, and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Navy SEALs Subclass").

7. I will vigorously prosecute the case on behalf of the class. I am willing and able to take an active role in and control the litigation and protect the interests of the absentee class members. I will remain informed about the litigation and am willing and able to participate in it as necessary in order to ensure the absentee class members' interests are protected.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on March 1, 2022.

/s/ U.S. Navy SEAL 3  
U.S. Navy SEAL 3

# Exhibit 4

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**U.S. NAVY SEALs 1-3**; on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

**LLOYD J. AUSTIN, III**, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

**DECLARATION OF U.S. NAVY EXPLOSIVE ORDNANCE  
DISPOSAL TECHNICIAN 1**

Pursuant to 28 U.S.C. § 1746, I, U.S. Navy Explosive Ordnance Disposal Technician (“EOD”) 1, under penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I currently serve as a U.S. Navy Explosive Ordnance Disposal Technician.
3. I am currently a Plaintiff in the above-captioned lawsuit.
4. I am able and willing to serve as the class representative for a class of all members of the United States Navy who are subject to the Navy’s COVID-19 Vaccine Mandate and who have

submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Navy Class").

5. I am able and willing to serve as the class representative for a subclass of all members of the Navy Class who are now or will be assigned to Naval Special Warfare or Naval Special Operations, who are subject to the Navy's COVID-19 Vaccine Mandate, and who have submitted a Religious Accommodation request concerning the Navy's COVID-19 Vaccine Mandate ("Naval Special War/Operations Subclass").

6. I will vigorously prosecute the case on behalf of the class. I am willing and able to take an active role in and control the litigation and protect the interests of the absentee class members. I will remain informed about the litigation and am willing and able to participate in it as necessary in order to ensure the absentee class members' interests are protected.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on March 1, 2022.

/s/ U.S. Navy EOD 1  
U.S. Navy EOD 1